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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,142

03/29/2006

Gerardus P. Karman

GB030175

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04/21/2010

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SPAR, ILANA L

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

04/21/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,142	<b>Applicant(s)</b> KARMAN ET AL.	
	<b>Examiner</b> ILANA SPAR	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. The following Office Action is responsive to the amendments and remarks received on January 11, 2010.

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-18 and 20-27 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1-18 and 20-28 of copending Application No. 10/574,141. Although the conflicting claims are not identical, they are not patentably distinct from each other because both inventions are directed to modification of an optical characteristic by controlling the grey scale/color level of the data. Claim 1 of the current invention teaches a display panel and driver of a three dimensional image display device, and a grey scale compensation device that compensates for the viewing angle. Claim 1 of the copending application teaches the

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same display panel and driver of a three dimensional image display device, and a color compensation device that compensates for the viewing angle. The grey scale and color level are equivalent concepts, such that the current and copending applications are not patentably distinct.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4. Claims 1-18 and 20-27 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 and 24-35 of copending Application No. 10/574,140. Although the conflicting claims are not identical, they are not patentably distinct from each other because both inventions are directed to modification of an optical characteristic by controlling the intensity/grey scale level of the data. Claim 1 of the current invention teaches a display panel and driver of a three dimensional image display device, and a grey scale compensation device that compensates for the viewing angle. Claim 1 of the copending application teaches the same display panel and driver of a three dimensional image display device, and an intensity compensation device that compensates for the viewing angle. The grey scale and intensity of the data are equivalent concepts, such that the current and copending applications are not patentably distinct.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-14, 18, 20-23, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balogh (US Patent Publication No. 2001/0028356) in view of Andrade et al. (US Patent No. 6,954,193).

With reference to claim 1, Balogh teaches a display device for displaying a three dimensional image such that different views are displayed according to different viewing angles, the display device including:

a display panel having a plurality of separately addressable pixels for displaying said image, the pixels being grouped such that different pixels in a group correspond to different view of the image as a function of an angle with respect to a first axis (see paragraph 32, lines 3-4 and paragraph 39, lines 1-7); and

a display driver for controlling an optical characteristic of each pixel to generate a grey scale image according to received image data (see paragraph 47).

Balogh fails to teach a grey scale compensation device for further controlling light transmission characteristics of at least some pixels within a group to compensate for a predetermined viewing angle dependency of said optical characteristic in a second axis of the display panel, wherein the second axis is transverse to the first axis.

Andrade et al. teaches a grey scale compensation device (450) for further controlling light transmission characteristics of at least some pixels within a group to compensate for a predetermined viewing angle dependency of said optical characteristic in a second axis of the display panel, wherein the second axis is transverse to the first axis (see column 7, lines 22-29 and column 8, lines 63-66).

It would have been obvious to one of ordinary skill in the art at the time of invention that the perceived grey scale varies according to the viewing angle at which the display is observed, as taught by Andrade et al. (see column 2, line 62 to column 3, line 3), such that it would be necessary to compensate pixel intensities at wider viewing angles to ensure that all viewers, regardless of location, are able to view a correct image.

With reference to claim 2, Balogh and Andrade et al. teach all that is required with reference to claim 1, and Balogh further teaches a back panel for providing a plurality of discrete sources of illumination, each group of pixels in the display panel being positioned to receive light from a respective one of the discrete sources of illumination (see paragraph 34, lines 1-3).

With reference to claim 3, Balogh and Andrade et al. teach all that is required with reference to claim 2, and Balogh further teaches that the back panel provides a plurality of line sources of illumination (see paragraph 34, lines 6-7).

With reference to claim 4, Balogh and Andrade et al. teach all that is required with reference to claim 2, and Balogh further teaches that the back panel provides a plurality of point sources of illumination (see paragraph 34, lines 1-3).

With reference to claim 5, Balogh and Andrade et al. teach all that is required with reference to claim 2, and Balogh further teaches that the display panel is a light-transmissive display panel adapted for viewing from a side opposite to a side on which the back panel is located (see paragraph 7, lines 1-5).

With reference to claim 6, Balogh and Andrade et al. teach all that is required with reference to claim 1, and Balogh further teaches a lenticular array (20) positioned adjacent to the display panel, each lenticle within the lenticular array focusing light from selected pixels in the display panel (see paragraph 36, lines 1-5).

With reference to claim 7, Balogh and Andrade et al. teach all that is required with reference to claim 6, and Balogh further teaches that each lenticle within the lenticular array is associated with a group of pixels (see paragraph 37 and Figure 2b).

With reference to claim 8, Balogh and Andrade et al. teach all that is required with reference to claim 1, and Andrade et al. further teaches that the display driver and grey scale compensation device in combination are adapted to control the amount of light passing through each pixel according to a grey scale image to be displayed (see column 7, lines 14-38 and Figure 4).

With reference to claim 9, Balogh and Andrade et al. teach all that is required with reference to claim 1, and Andrade et al. further teaches that the grey scale compensation device comprises a look-up table containing correction values to be applied in respect of each pixel within a group (see column 7, lines 29-41).

With reference to claim 10, Balogh and Andrade et al. teach all that is required with reference to claim 9, and Andrade et al. further teaches that the correction values are selected according to a viewing angle of a respective pixel within a group (see column 8, lines 63-66).

With reference to claim 11, Balogh and Andrade et al. teach all that is required with reference to claim 10, and Andrade et al. further teaches that the correction values are selected so as to substantially normalise a grey scale intensity displayed by a group of pixels to be independent of viewing angle (see column 8, lines 63-66).

With reference to claim 12, Balogh and Andrade et al. teach all that is required with reference to claim 9, and Andrade et al. further teaches that the look-up table includes substitution values or offset values as a function of viewing angle to be applied to a frame store (see column 7, lines 14-41).

With reference to claim 13, Balogh and Andrade et al. teach all that is required with reference to claim 1, and Balogh further teaches that the grey scale compensation device comprises a transmission versus voltage characteristic (see paragraph 7).

Andrade et al. further teaches that the grey scale compensation device is adapted to adjust a pixel drive voltage and/or current received from the display driver (see column 7, lines 35-38).

With reference to claim 14, Balogh and Andrade et al. teach all that is required with reference to claim 13, and Andrade et al. further teaches that the grey scale compensation device provides a voltage and/or current offset to the pixel drive voltage and/or current received from the display driver (see column 7, lines 14-41).

With reference to claim 18, Balogh teaches a method for displaying a three dimensional image on a display device such that different views of the image are displayed according to different viewing angles, the method comprising the steps of:

processing image data to form grey scale pixel data values for each one of a plurality of separately addressable pixels in a display panel, the pixels being grouped such that different pixels in a group correspond to different views of the image as a function of an angle with respect to a first axis, the pixel data values each for controlling light transmission characteristics of a respective pixel to generate a grey scale image (see paragraph 39, lines 1-7 and paragraph 47).

Balogh fails to teach grey scale correction of pixel values.

Andrade et al. teaches applying grey scale correction values to at least some pixel data values within each group to compensate for a predetermined viewing angle dependency of an optical characteristic in a second axis of the display panel, wherein the second axis is transverse to the first axis, by controlling an amount passing through each pixel according to a grey scale image to be displayed (see column 7, lines 14-41 and column 8, lines 63-66); and

using the corrected pixel data values to drive pixels of a display panel to generate said image (see column 7, lines 14-29).

It would have been obvious to one of ordinary skill in the art at the time of invention that the color varies according to the viewing angle at which the display is observed, as taught by Andrade et al. (see column 2, line 62 to column 3, line 3), such that it would be necessary to compensate pixel intensities at wider viewing angles to ensure that all viewers, regardless of location, are able to view a correct three dimensional image using the display of Balogh.

With reference to claim 20, Balogh and Andrade et al. teach all that is required with reference to claim 18, and Andrade et al. further teaches that the grey scale correction values are obtained from a look-up table containing correction values to be applied in respect of each pixel within a group (see column 7, lines 29-41).

With reference to claim 21, Balogh and Andrade et al. teach all that is required with reference to claim 20, and Andrade et al. further teaches that the grey scale correction values are selected according to a viewing angle of a respective pixel within a group (see column 8, lines 63-66).

With reference to claim 22, Balogh and Andrade et al. teach all that is required with reference to claim 21, and Andrade et al. further teaches that the grey scale correction values are selected so as to substantially normalise a grey scale displayed by a group of pixels to be independent of the viewing angle (see column 8, lines 63-66).

With reference to claim 23, Balogh and Andrade et al. teach all that is required with reference to claim 18, and Balogh further teaches that the grey scale correction values are derived from a transmission versus voltage characteristic of the display

panel, the corrected pixel data values being used to adjust a pixel drive voltage applied to the display panel (see paragraph 7).

With reference to claim 27, Balogh and Andrade et al. teach all that is required with reference to claim 18, and it is further inherent that a display as taught by Balogh (see claim 1) would be controlled by a computer, such that the method of claim 18 would be carried out according to instructions provided from a computer program stored on a storage medium in the computer.

8. Claims 15-17 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balogh in view of Andrade et al. as applied to claims 1 and 18 above, and further in view of Mochizuki (US Patent No. 6,386,720).

With reference to claim 15, Balogh and Andrade et al. teach all that is required with reference to claim 1, but fail to teach that the viewing angle dependence is reduced relative to the first axis which is a y-axis.

Mochizuki teaches that the inherent optical characteristics of the display panel are configured such that viewing angle dependence is reduced or substantially minimised relative to the first axis which is a y-axis (see column 5, line 66 to column 6, line 11).

It would have been obvious to one of ordinary skill in the art at the time of invention that pixels located directly above a light source would not be affected by viewing angle dependence, but that pixels on either side of the x- or y-axes would be, and that any pixel can be compensated for using the above process as necessary to reduce grey scale intensity discrepancies.

With reference to claim 16, Balogh, Andrade et al., and Mochizuki teach all that is required with reference to claim 15, and Mochizuki further teaches that the grey scale compensation device serves to reduce or substantially minimise viewing angle dependence relative to the second axis which is an x-axis, wherein the second axis is orthogonal to the y-axis (see column 5, line 66 to column 6, line 11).

With reference to claim 17, Balogh, Andrade et al., and Mochizuki teach all that is required with reference to claim 16, and Mochizuki further teaches that the x-axis is defined as the horizontal axis when the object is in normal use, and the y-axis is defined as the vertical axis when the object is in normal use (see column 5, line 66 to column 6, line 11).

With reference to claim 24, Balogh and Andrade et al. teach all that is required with reference to claim 18, but fail to teach that the viewing angle dependence is reduced relative to the first axis which is a y-axis.

Mochizuki teaches that viewing angle dependence is reduced or substantially minimised relative to the first axis which is a y-axis (see column 5, line 66 to column 6, line 11).

It would have been obvious to one of ordinary skill in the art at the time of invention that pixels located directly above a light source would not be affected by viewing angle dependence, but that pixels on either side of the x- or y-axes would be, and that any pixel can be compensated for using the above process as necessary to reduce intensity discrepancies, or, if desired, the display can be modified to include

additional light sources behind each pixel, thus reducing the viewing angle dependence of the pixels based on the inherent optical characteristics of the display.

With reference to claim 25, Balogh, Andrade et al., and Mochizuki teach all that is required with reference to claim 24, and Mochizuki further teaches that the grey scale correction values are applied to reduce or substantially minimise viewing angle dependence relative to the second axis which is an x-axis, wherein the second axis is orthogonal to the y-axis (see column 5, line 66 to column 6, line 11).

With reference to claim 26, Balogh, Andrade et al., and Mochizuki teach all that is required with reference to claim 25, and Mochizuki further teaches that the x-axis is the horizontal axis when the display panel is in normal use, and the y-axis is the vertical axis when the display panel is in normal use (see column 5, line 66 to column 6, line 11).

### ***Response to Arguments***

9. Applicant's arguments, see page 7, filed January 11, 2010, with respect to the objection to claims 1 and 18 have been fully considered and are persuasive. The objection to claims 1 and 18 has been withdrawn.

10. Applicant's arguments, see pages 7-8, filed January 11, 2010, with respect to the rejection of claim 27 under 35 U.S.C. § 101 have been fully considered and are persuasive. The rejection of claim 27 has been withdrawn.

11. Applicant's arguments filed January 11, 2010 have been fully considered but they are not persuasive. Examiner disagrees with Applicant's argument that Andrade fails to teach "a grey scale compensation device for further controlling light transmission

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characteristics of at least some pixels within a group to compensate for a predetermined viewing angle dependency of said optical characteristic in a second axis of the display panel, wherein the second axis is transverse to the first axis.” Andrade teaches all portions of this limitation (see column 7, lines 22-29 and column 8, lines 63-66). The grey scale compensation device (450) compensates for at least some of the pixels of various screen positions. All pixels within a group lie in a second axis (i.e. the horizontal axis) of a display, such that as the grey scale compensation device adjusts pixel values, it must adjust pixel values of pixels within a second axis of the display. With reference to the amended portion of claim 1 that recites “a display panel having a plurality of separately addressable pixels for displaying said image, the pixels being grouped such that different pixels in a group correspond to different views of the image as a function of an angle with respect to a first axis, each pixel in a group being positioned relative to a respective discrete light source,” Balogh teaches all portions of this limitation, including the newly added portion (see paragraph 39, lines 1-7 and Figure 3a). The light sources emit light in all directions, such that the combination of the light sources as viewed at any position along the horizontal axis of the display (i.e. at an angle with respect to the first, vertical axis), will provide a unique view according to the viewing position.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ILANA SPAR whose telephone number is (571)270-7537. The examiner can normally be reached on Monday-Thursday 8:00-4:00 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571)272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bipin Shalwala/  
Supervisory Patent Examiner, Art Unit 2629

ILS